

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker, et al.)	
)	
For: METHOD AND APPARATUS FOR)	Examiner: <i>not assigned</i>
ESTABLISHING A SUBSCRIPTION)	
TO A PERIODICAL)	
)	
Serial No.: <i>not assigned</i>)	Group Art Unit: <i>not assigned</i>
)	
Filing Date: August 18, 1998)	Docket No.: WD-98-041 #3

Assistant Commissioner for Patents
Washington, D.C. 20231



IDS
9-23-98
Robert Stokes

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching:

- A) U.S. Patent No. 3,890,461 entitled "TICKET OPERATED SUBSCRIPTION TELEVISION RECEIVER" issued to *Vogelman et al.* on June 17, 1975.
- B) U.S. Patent No. 4,276,598 entitled "ELECTRONIC CASH REGISTER INCLUDING MEANS FOR PRODUCING PRINTED VALIDATION DATA" issued to *Inoue, Haruhiko et al.* on June 30, 1981.
- C) U.S. Patent No. 4,484,217 entitled "METHOD AND SYSTEM FOR REMOTE REPORTING, PARTICULARLY FOR PAY TELEVISION BILLING" issued to *Block et al.* on Nov. 20, 1984.
- D) U.S. Patent No. 4,833,609 entitled "ERC WITH OPERATOR PROMPTING FOR ENTERING QUANTITY OF SELECTED MULTI-ITEM PACKAGED GOODS" issued to *Grulke, Jr.* on May 23, 1989.
- E) U.S. Patent No. 4,947,028 entitled "AUTOMATED ORDER AND PAYMENT SYSTEM" issued to *Gorog* on August 7, 1990.
- F) U.S. Patent No. 4,984,155 entitled "ORDER ENTRY SYSTEM HAVING CATALOG ASSISTANCE" issued to *Geier et al.* on Jan. 8, 1991.
- G) U.S. Patent No. 5,235,415 entitled "DEVICE FOR THE INTELLIGIBLE CONSULTATION OF DATA RELATING TO THE FEES PROGRAMS OF A SUBSCRIPTION TELEVISION AND/OR RADIO SERVICE" issued to *Bonicel et al.* on Aug. 10, 1993.
- H) U.S. Patent No. 5,413,341 entitled "EQUIPMENT FOR, AND METHODS OF PLAYING, A PRIZE DRAWING GAME OF CHANCE" issued to *Lieberman* on May 9, 1995.

- I) U.S. Patent No. 5,415,264 entitled "AUTOMATIC VENDING MACHINE FOR NEWSPAPERS" issued to *Menoud* on May 16, 1995.
- J) U.S. Patent No. 5,521,364 entitled "PRODUCT-SELLING-DATA PROCESSING APPARATUS HAVING FUNCTION FOR ADMINISTERING SALES OF ARTICLE SOLD BY THE BUNDLE AND ITS METHOD" issued to *Kimura et al.* on May 28, 1996.
- K) U.S. Patent No. 5,528,490 entitled "ELECTRONIC CATALOG SYSTEM AND METHOD" issued to *Hill* on June 18, 1996.
- L) U.S. Patent No. 5,544,040 entitled "SYSTEM FOR MANAGEMENT OF COMMON PURCHASE OPERATIONS FOR GOODS AND SERVICES" issued to *Gerbaulet* on Aug. 6, 1996.
- M) Abstract: Japanese publication no. 07-231309 entitled "Information Distribution System", in the name of Hitachi Ltd published on Aug. 29, 1995.
- N) Howland, Jennifer; "National Distributors: Scanning The Future"; Folio Magazine, Feb. 1985 at pg. 69.
- O) Wood, Wally; "Circulation Marketing: Let Your Magazine Do The Selling"; Folio Magazine, June 1985 at pg. 78.
- P) Reese, Dianne; "Revitalizing Single-Copy Sales"; Folio Magazine, Feb. 1986 at pg. 84.
- Q) Joyce, Walter; "Muscular Merchandising; Column"; Folio Magazine, June 1986 at pg. 124.

- R) Donaton, Scott; "Gift Subscriptions Find Retail Niche"; Advertising Age, July 16, 1990 at pg. 37.
- S) Guy, Pat; "A Gift Off The Rack: Mag Subscription"; USA Today, December 19, 1990 at pg. 2B.
- T) Jaben, Jan; "Magazine Gift-Giving Made Simple At Retail Outlets; Time Inc., Hearst, Meredith Test Subscriber Systems', Method Of Selling Gift Subscriptions; News"; Folio's Publishing News, Feb. 15, 1991 at page 15.
- U) Love, Barbara; "Selling Subscriptions At Newstands"; Folio Magazine, June 1, 1994 at pg. 10.
- V) Horton, Liz; "Holiday Gift Subs Up, Some Due To Novel Promotions"; Folio Magazine, Feb. 1, 1992 at pg. 39.
- W) Manly, Lorne; "A Newsstand For The Electronic Age?"; ABI/INFORM, Global Edition , Sept. 15, 1993 at pg. 17.
- X) "The Super Subs"; Precision Marketing, October 24, 1994 at pg. 23.
- Y) Cyr, Dianne; "Distribution Woes; Declining Newsstand Circulation; Includes Related Article On Preventing Newsstand Fraud"; Folio Magazine, Jan. 1995 at pg. 170.
- Z) Love, Barbara; "Folio: Plus Circulation' Techniques For Managing Magazine Circulation"; Folio Magazine, Jan. 1995 at pg. 159.
- AA) Schnuer, Jenna; "Overnight Options Add To Distribution Mix; Distribution of 'Inside Sports' Magazine"; Folio Magazine, March 1, 1995 at pg. 19.

- AB) Hochwald, Lambeth; "Postal Blues: Circulators Cope With The Rate Crunch"; Folio Magazine, May 1, 1995 at pg. 54.
- AC) Wilson, Steve; "Out Of Print – But Not Business; Magazines Move Away From Print In Favor of Electronic Publishing"; Folio Magazine, May 1, 1995 at pg. 22.
- AD) "Tretorn Offers Magazine Promo"; Adweek, May 1, 1995, New England Edition.
- AE) "LottoWorld", Media Week Magazine, May 8, 1995 at pg. 16.
- AF) Wilson, Steve; "Directory Assistance: A Buyer's Guide Can Give You A Big Boost In Revenue And Attract New Advertisers And Subscribers"; Folio Magazine, Oct. 1, 1995 at pg. 40.
- AG) Garrat, David; "What Premium On On-Cover Premiums?"; Folio Magazine, October 1, 1995 at pg. 53.
- AH) "HFS Incorporated and Hachette Filipacchi Magazines; Announce Launch Of Century 21 House & Home Magazine; No. 1 Real Estate Company and Leading Publisher of Home-Related Magazines To Use Unparalleled Century 21 (R) Brand Awareness and Customer Base In Developing Magazine With Broad Consumer Appeal; Latest In Series Of Century 21"; Business Wire, November 20, 1995.
- AI) Graham, Anne; "Nonmember Subs – Or Not? Nonmember Subscriptions To Association Magazines; Includes Tips From Publishers", Folio Magazine, June 1, 1995 at pg. 47.
- AJ) Miller, Paul; "Magazine Deal Lacks Catalog Appeal; Brief Article"; Folio Magazine, June 15, 1995 at pg. 30.

- AK) Hochwald, Lambeth; "Circulation Secrets: Nine Steps To A Successful Circulation Launch Strategy. Includes List Of Resources"; Folio Magazine, Feb. 1, 1996.
- AL) Kerwin, Ann Marie; "Notably at the Newstand: InStylem Financial World Push For Greater Single-Copy Sales"; Inside Media, Feb. 7, 1996 at pg. 26.
- AM) Adams, Mark; "Capell Reports Sales Drop At Newsstands"; Mediaweek, march 11, 1996 at pg. 27.
- AN) Schneur, Jenna; "A World Without Magazines? Consumers Weigh In.Survey Of Consumers Indicates that Magazines Are Most Dispensible Form Of Communication For 37% Of Respondents"; Folio Magazine, June 1, 1996 at pg. 16.
- AO) Advertisement: "Subscription Sales Center", Interactive Magazine Sales, Inc., undated.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

10. ☐ I hereby certify:

- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

August 18, 1998
Date

Respectfully submitted,



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